IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 27382 of 2007(I)

PETITIONER:
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1. K.C.RAJAN, S/O. KUNNIYARA CHENNAN KUTTY,
SREE NARAYANAPURAM VILLAGE, KODUNGALLUR TALUK.

2. M.G.SADANANDAN, S/O. MOTHAYIL GOPALAN,
VADAMA P.O., MUKUNDAPURAM TALUK.

3. T.P.SALEEM, S/O. THRISHNATH
PUSHPANGADAN, EDATHIRUTHY VILLAGE,
KODUNGALLUR TALUK.

BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
LABOUR & REHABILITATION DEPARTMENT,
THIRUVANANTHAPURAM.

2. THE WELFARE FUND INSPECTOR,
KERALA TODDY WORKERS WELFARE FUND BOARD,
THRISSUR.

3. THE TAHSILDAR (R.R.),
KODUNGALLUR, THRISSUR DISTRICT.

4. THE DEPUTY TAHSILDAR (R.R.),
MUKUNDAPURAM, THRISSUR DISTRICT.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD
SRI.K.HARILAL, SC, TWWF.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 27382 OF 2007
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Dated this the 14th day of September, 2007

J U D G M E N T

Revenue recovery proceedings have been initiated against the petitioner for realisation of the dues under the Kerala Toddy Workers Welfare Fund Act. By dismissal of his appeal as early as on 1/11/06, the proceedings under the act have reached finality and that order was not challenged in time. Now by Exts.P3 to P5, revenue recovery action has been initiated and at this stage, the present writ petition has been filed.

2. Though the petitioner has raised contentions on the merits of the proceedings under the Act, I am not inclined to entertain the same for the reason that the writ petition in that respect is highly belated. The appellate order was issued as early as on 1/11/06 and the petitioner did not challenge the same. Therefore the petitioner cannot challenge it at this distance of time.

3. At this stage, counsel for the petitioner seeks liberty for payment of the dues in instalments.

4. I heard the learned Government Pleader and also the standing counsel for the respondents.

5. After hearing both sides, I dispose of this writ petition directing that the amount due from the petitioner will be permitted to be paid in 6 equal monthly instalments commencing from 1st October 2007. The 2nd respondent will inform the petitioner exact amount that is due and thereupon payment will be made as above. It is also clarified that if the petitioner commits default of any one of the monthly instalments, respondents will be at liberty to continue the revenue recovery action. If the amount is paid as directed above, revenue recovery action will be kept deferred for the whole period.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp